

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

* * *

PERCEY LEE RIC'E,

v.

Plaintiff,

PERRY RUSSELL, *et al.*,

Defendants.

Case No. 3:23-cv-339-MMD-CLB

ORDER

11 *Pro se* Plaintiff Percey Lee Ric'e, who is incarcerated at the Northern Nevada
12 Correctional Center, brings this action against defendants Perry Russell and Sandra
13 Walker (collectively, "Defendants") under 42 U.S.C. § 1983 alleging claims under the
14 Eighth Amendment, Fourteenth Amendment, Americans with Disabilities Act, and
15 Rehabilitation Act. (ECF Nos. 1, 6.) Before the Court is United States Magistrate Judge
16 Carla Baldwin's Report and Recommendation (ECF No. 46 ("R&R")), recommending that
17 the Court grant Defendants' motion for summary judgment (ECF No. 31("Motion")). Ric'e
18 had until July 23, 2025, to file an objection. To date, no objection to the R&R has been
19 filed. For this reason, and as explained below, the Court adopts the R&R and will grant
20 Defendants' Motion.

21 Because there was no objection, the Court need not conduct *de novo* review. See
22 *United States v. Reyna-Tapia*, 328 F.3d 1114, 1116 (9th Cir. 2003) ("*De novo* review of
23 the magistrate judges' findings and recommendations is required if, but *only* if, one or
24 both parties file objections to the findings and recommendations.") (emphasis in original).
25 Here, Judge Baldwin recommends granting summary judgment because Defendants
26 argued with supporting evidence that Ric'e failed to properly exhaust his administrative
27 remedies, and Ric'e failed to present evidence that he exhausted his available
28

1 administrative remedies. (ECF No. 46 at 7-8.) Having reviewed the R&R and the record
2 in this case, the Court will adopt the R&R in full.

3 It is therefore ordered that Judge Baldwin's Report and Recommendation (ECF
4 No. 46) be adopted in full.

5 It is further ordered that Defendants' motion for summary judgment (ECF No. 31)
6 be granted.

7 The Clerk of Court is directed to enter judgment accordingly and close this case.

8 DATED THIS 1st Day of August 2025.



9
10 MIRANDA M. DU
11 UNITED STATES DISTRICT JUDGE
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28